

Appl. No. 10/799,153
Amdt. Dated September 19, 2006
Reply to Office Action of June 20, 2006

Attorney Docket No. 81864.0034
Customer No.: 26021

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REMARKS

This application has been carefully reviewed in light of the Office Action dated June 20, 2006. Claims 1-7 and 9 remain in this application. Claim 1 is the independent Claim. Claim 1 has been amended. It is believed that no new matter is involved in the amendments or arguments presented herein. Reconsideration and entrance of the amendment in the application are respectfully requested.

Art-Based Rejections

Claims 1-7 and 9 were rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,468,365 (Uchida).

Applicant respectfully traverses the rejection and submits that the claims herein are patentable in light of the amendments above and the arguments below.

The Uchida Reference

Uchida is directed to an R-T-B sintered permanent magnet wherein the total amount of rare earth elements in two types of alloy powder is equal. (See *Uchida*; *Abstract*, *Col. 6*, *lines 36-48*).

The Claims are Patentable Over the Cited References

The present application is generally directed to an R-T-B rare earth permanent magnet.

As defined by amended independent Claim 1, an R-T-B system rare earth permanent magnet having a sintered body, includes a main phase having an $R_2T_{14}B$ phase. R represents one or more rare earth elements, providing that the rare earth elements include Y. T represents one or more transition metal elements essentially containing Fe, or Fe and Co. A grain boundary phase contains a higher total

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amount of R than the main phase, wherein a platy or acicular product exists. The sintered body has a composition including 28% to 33% by weight of R, 0.5% to 1.5% by weight of B, 0.03% to 0.3% by weight of Al, 0.3% or less by weight (excluding O) of Cu, 0.05% to 0.2% by weight of Zr, 4% or less by weight (excluding O) of Co, and the balance substantially being Fe.

The applied reference does not disclose or suggest the above features of the present invention as defined by amended independent Claim 1. In particular, the applied reference does not disclose or suggest a "grain boundary phase containing a higher total amount of R than said main phase," as required by amended independent Claim 1.

On page 4 of the Office Action, the Examiner alleges that Col. 2, lines 1-6, in which "main-phase crystal grain particles having a lower heavy rare earth element concentration than that of the crystal grain boundary phase," anticipates independent Claim 1. However, Uchida discloses a different *concentration* of heavy rare earth elements and not a different *total amount* of R as recited by amended independent Claim 1. Uchida further discloses in Col. 6, lines 36-48 that an R-T-B alloy powder has the *same* total amount of rare earth elements, but may differ in the concentration of heavy rare earth elements. Furthermore, "in the case of mixing two types of alloy powder, it is preferable that the total amount of the rare earth elements is the same between them." (*See Uchida; Col. 6, lines 46-48*). The present invention, in contrast, discloses a high R-alloy used in a grain boundary phase and a low R-alloy used in a main phase. (*See Ishizaka; Abstract, Paragraphs [0013], [0046] and [0084]*). Uchida does not disclose this feature.

Since the applied reference fails to disclose, teach or suggest the above features recited in amended independent Claim 1, the reference cannot be said to anticipate or render obvious the invention which is the subject matter of that claim.

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Accordingly, amended independent Claim 1 is believed to be in condition for allowance and such allowance is respectfully requested.

The remaining Claims 2-7 and 9 depend either directly or indirectly from amended independent Claim 1, and recite additional features of the invention which are neither disclosed nor fairly suggested by the applied reference and are therefore also believed to be in condition for allowance, and such allowance is respectfully requested.

Conclusion

In view of the foregoing, it is respectfully submitted that the application is in condition for allowance. Reexamination and reconsideration of the application, as amended, are requested.


If for any reason the Examiner finds the application other than in condition for allowance, the Examiner is requested to call the undersigned attorney at the Los Angeles, California telephone number (213) 337-6700 to discuss the steps necessary for placing the application in condition for allowance.

If there are any fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-1314.

Respectfully submitted,
HOGAN & HARTSON L.L.P.

Date: September 19, 2006

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